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SECURITY COUNCIL
Forty-ninth year

Letter dated 9 November 1994 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose a copy of the letter that I have today forwarded to the President of the Security Council, Madeleine K. Albright (see annex).

I would kindly request your assistance in distributing the present letter and its annex as a document of the General Assembly, under item 148, and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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ANNEX

Letter dated 9 November 1994 from the Minister for Foreign Affairs of Croatia addressed to the President of the Security Council

I have the honour to express the position of the Republic of Croatia with regard to the report of the International Conference on the Former Yugoslavia (ICFY) (S/1994/1246, annex) and in particular its chapter IX.

The Republic of Croatia welcomes the endeavours of the international community in its attempts to certify the effective closure of the border between the "Federal Republic of Yugoslavia (Serbia and Montenegro)" and the Republic of Bosnia and Herzegovina. However, I should also like to emphasize our concerns with regard to the insufficient number of monitors observing the border.

The above notwithstanding, my Government reiterates its deep indignation with aspects of the ICFY Mission that concern the Republic of Croatia, as expressed in my letter dated 4 October 1994 to the President of the Security Council (A/49/473-S/1994/1129, annex), regarding the previous ICFY report of 3 October 1994 (S/1994/1124, annex). In that letter, my Government requested action by the Security Council regarding the obvious violation of resolution 820 (1993) of 17 April 1993 on the part of the ICFY Mission. The ICFY Mission violates the resolution by facilitating transshipments of non-humanitarian goods through the Republic of Bosnia and Herzegovina without the appropriate authorization of the Government of the Republic of Bosnia and Herzegovina, and by facilitating import of such goods into the Republic of Croatia not only without the appropriate authorization from the Croatian Government, but even against the explicit protest of the Republic of Croatia, as expressed in my letter of 4 October.

The present ICFY Mission report even goes a step further compared with the previous report. While the report of 3 October spoke of "arrangements" that had been made, the present report now confirms that - after our protest lodged with the President of the Security Council - the ICFY Mission has "firmly established ... procedures for traffic transiting the territory held by the Bosnian Serbs into the territory held by Serbs in Croatia".

Further, the report specifically determines that the said "procedure" for the illegal and contraband supplies of fuel shipped from the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to their proxies in the occupied territories of Croatia is being facilitated by the ICFY Mission.

The Republic of Croatia would like to stress the applicability of resolution 820 (1993), and in particular its paragraph 12. Further, we would like to emphasize the fact that the export of any goods from the "Federal Republic of Yugoslavia (Serbia and Montenegro)" is explicitly prohibited by the relevant resolutions of the Security Council. The present situation, where the ICFY Mission is facilitating the illegal actions of the "Federal Republic of Yugoslavia (Serbia and Montenegro)", is further exacerbated by the fact that it

is strategic material, namely, fuel, that is contrabanded and that it is highly likely that this fuel is being used for military purposes.

With regard to the possible use of this fuel for military purposes in the Republic of Croatia, and in the Republic of Bosnia and Herzegovina, after it is unloaded in the occupied territories of Croatia adjacent to the Bosnian Serb-controlled areas in the Republic of Bosnia and Herzegovina, my Government requests that the ICFY Mission inform the Security Council as to the quantity of fuel transported through ICFY Mission arrangements.

Likewise, my Government requests that the United Nations Protection Force (UNPROFOR) command in Croatia institute a regular reporting procedure of shipments of fuel into the occupied territories of Croatia as soon as possible, in cooperation with the appropriate authorities of the Republic of Croatia.

My Government requests that the Security Council, as the body that has provided the mandate under which the ICFY Mission is operating and violating the binding resolution of the Council, demand from the Co-Chairmen of the ICFY that they cease immediately the illegal "firmly established procedures" for the contraband of fuel or any other goods into the Republic of Croatia not having the prior authorization of the Croatian Government. Further, my Government emphasizes that such illegal "arrangements" and "procedures" that facilitate the serious violation of the Security Council resolution are seriously jeopardizing the sovereignty of the Republic of Croatia, and that they will not be helpful to the Croatian Parliament when it debates the future of United Nations or ICFY presence on its soil in January 1995.

I would also like to draw your attention to two more striking examples of how the sovereignty of Croatia is being grossly violated by different factions of the Serbian irregular forces. As you probably know, the Bosnian Serb forces stationed on the southern bank of the River Sava, formally in the territory of the Republic of Bosnia and Herzegovina, have kept numerous Croatian cities and villages in the Županja area under constant bombardment and harassment. The general alert in this ares has been in effect for almost 1,000 days. Recently these forces have increased the bombardment of the Županja area to an almost unbearable degree.

On the other hand, the Knin paramilitary and irregular forces have been engaged, along with the Bosnian Serb forces, in offensive operations in the Bihać area. According to our information, some 2,500 members of the Knin paramilitary forces have crossed the border between Croatia and Bosnia and Herzegovina. We have repeatedly informed the Security Council of the Knin forces' involvement in operations in Bosnia and Herzegovina, but these activities have only increased in frequency as well as in number.

We have recently been informed by the Government of the Republic of Bosnia and Herzegovina of at least eight documented instances of the Knin forces' involvement in operations aimed against the sovereign territory of the neighbouring republic. The representative of the Government of the Republic of Bosnia and Herzegovina has also demanded that we undertake effective political and other measures in order to prevent "the continuation of Serbian aggression from the territory of the Republic of Croatia" and to prevent "the use of the

United Nations Protected Areas for artillery and infantry attacks on the Republic of Bosnia and Herzegovina".

Such evident violations of the sovereignty of Croatia, as well as that of Bosnia and Herzegovina, are clearly aimed at provoking a large-scale conflict in the area and undermining the overall peace process. They also illustrate the inadequacy of the UNPROFOR mandate.

(Signed) Mate GRANIĆ